

AM2502  
LB 599  
DSH-02-06

AM2502  
LB 599  
DSH-02-06

AMENDMENTS TO LB 599

1                   1.     Strike the original sections and all amendments  
2     thereto and insert the following new sections:

3                   "Section 1.   Section 2-3256, Revised Statutes Supplement,  
4     2002, is amended to read:

5                   2-3256.   All design or construction by a district of  
6     structural works costing more than eighty thousand dollars, or such  
7     higher amount as is established by the Board of Engineers and  
8     Architects by rule and regulation, shall be under the supervision  
9     of a licensed engineer except as otherwise provided in the  
10    Engineers and Architects Regulation Act.

11                  Sec. 2.   Section 81-3445, Reissue Revised Statutes of  
12    Nebraska, is amended to read:

13                  81-3445.   Except as otherwise provided in this section  
14    and sections 81-3449 to 81-3453, the state and its political  
15    subdivisions shall not engage in the construction of any public  
16    works involving architecture or engineering unless the plans,  
17    specifications, and estimates have been prepared and the  
18    construction has been observed by an architect, a professional  
19    engineer, or a person under the direct supervision of an architect,  
20    professional engineer, or those under the direct supervision of an  
21    architect or professional engineer. This ~~except that this~~ section  
22    shall not apply to any public work in which the contemplated  
23    expenditure for the complete project does not exceed eighty  
24    thousand dollars or such higher amount as established by the board

1 by rules and regulations.

2           Sec. 3.     Section 81-3449, Revised Statutes Supplement,  
3 2002, is amended to read:

4           81-3449. The provisions of the Engineers and Architects  
5 Regulation Act regulating the practice of architecture do not apply  
6 to the following activities:

7           (1) The construction, remodeling, alteration, or  
8 renovation of ~~(a)~~ a detached single-family through four-family  
9 dwelling of less than five thousand square feet of above grade  
10 finished space. Any detached or attached sheds, storage buildings,  
11 and garages incidental to the dwelling are not included in the  
12 tabulation of finished space. Such exemption may be increased by  
13 rule and regulation of the board adopted pursuant to the Negotiated  
14 Rulemaking Act;

15           (2) The construction, remodeling, alteration, or  
16 renovation of ~~or (b)~~ a one-story commercial or industrial building  
17 or structure of less than five thousand square feet of above grade  
18 finished space which does not exceed thirty feet in height unless  
19 such building or structure, or the remodeling or repairing thereof,  
20 provides for the employment, housing, or assembly of twenty or more  
21 persons. Any detached or attached sheds, storage buildings, and  
22 garages incidental to the ~~dwelling~~ building or structure are not  
23 included in the tabulation of finished space. Such exemptions may  
24 be increased by rule and regulation of the board adopted pursuant  
25 to the Negotiated Rulemaking Act;

26           ~~(2)~~ (3) The construction, remodeling, alteration, or  
27 renovation of farm buildings, including barns, silos, sheds, or

AM2502  
LB 599  
DSH-02-06

AM2502  
LB 599  
DSH-02-06

1 housing for farm equipment and machinery, livestock, poultry, or  
2 storage, if the structures are designed to be occupied by no more  
3 than twenty persons. Such exemption may be increased by rule and  
4 regulation of the board adopted pursuant to the Negotiated  
5 Rulemaking Act;

6 ~~(3)~~ (4) Any public works project with contemplated  
7 expenditures for a completed project that do not exceed eighty  
8 thousand dollars. Such exemption may be increased by rule and  
9 regulation of the board adopted pursuant to the Negotiated  
10 Rulemaking Act;

11 ~~(4)~~ (5) Any alteration, renovation, or remodeling of a  
12 building if the alteration, renovation, or remodeling does not  
13 affect architectural or engineering safety features of the  
14 building;

15 ~~(5)~~ (6) The teaching, including research and service, of  
16 architectural subjects in a college or university offering a degree  
17 in architecture accredited by the National Architectural  
18 Accreditation Board;

19 ~~(6)~~ (7) The preparation of submissions to architects,  
20 building officials, or other regulating authorities by the  
21 manufacturer, supplier, or installer of any materials, assemblies,  
22 components, or equipment that describe or illustrate the use of  
23 such items, the preparation of any details or shop drawings  
24 required of the contractor by the terms of the construction  
25 documents, or the management of construction contracts by persons  
26 customarily engaged in contracting work;

27 ~~(7)~~ (8) The preparation of technical submissions or the

1 administration of construction contracts by employees of a person  
2 or organization lawfully engaged in the practice of architecture if  
3 such employees are acting under the direct supervision of an  
4 architect;

5 ~~(8)~~ (9) The offering by an organization of a combination  
6 of services involved in the practice of architecture and  
7 construction services if:

8 (a) An architect or person otherwise permitted under  
9 subdivision ~~(10)~~ (11) of this section to offer architectural  
10 services participates substantially in all material aspects of the  
11 offering;

12 (b) There is written disclosure at the time of the  
13 offering that an architect is engaged by and contractually  
14 responsible to such organization;

15 (c) Such organization agrees that the architect will have  
16 direct supervision of the work and that such architect's services  
17 will not be terminated without the consent of the person engaging  
18 the organization; and

19 (d) The rendering of architectural services by such  
20 architect will conform to the act and the rules and regulations;

21 ~~(9)~~ (10) A public service provider or an organization who  
22 employs a design professional from performing professional services  
23 for itself;

24 ~~(10)~~ (11) A nonresident who holds the certification  
25 issued by the National Council of Architectural Registration Boards  
26 from offering to render the professional services involved in the  
27 practice of architecture. The nonresident shall not perform any of

AM2502  
LB 599  
DSH-02-06

AM2502  
LB 599  
DSH-02-06

1 the professional services involved in the practice of architecture  
2 until licensed as provided in the act. The nonresident shall  
3 notify the board in writing that (a) he or she holds a National  
4 Council of Architectural Registration Boards certificate and is not  
5 currently licensed in Nebraska but will be present in Nebraska for  
6 the purpose of offering to render architectural services, (b) he or  
7 she will deliver a copy of the notice to every potential client to  
8 whom the applicant offers to render architectural services, and (c)  
9 he or she promises to apply immediately to the board for licensure  
10 if selected as the architect for the project;

11 ~~(11)~~ (12) The practice of any other certified trade or  
12 legally recognized profession;

13 ~~(12)~~ (13) Financial institutions making disbursements of  
14 funds in connection with construction projects;

15 ~~(13)~~ (14) Earthmoving and related work associated with  
16 soil and water conservation practices performed on farmland or any  
17 land owned by a political subdivision that is not subject to a  
18 permit from the Department of Natural Resources or for work related  
19 to livestock waste facilities that are not subject to a permit by  
20 the Department of Environmental Quality; and

21 ~~(14)~~ (15) The work of employees and agents of a political  
22 subdivision or a nonprofit entity organized for the purpose of  
23 furnishing electrical service performing, in accordance with other  
24 requirements of law, their customary duties in the administration  
25 and enforcement of codes, permit programs, and land-use regulations  
26 and their customary duties in utility and public works  
27 construction, operation, and maintenance.

1                   Sec. 4.    Section 81-3453, Revised Statutes Supplement,  
2   2003, is amended to read:

3                   81-3453.   The provisions of the Engineers and Architects  
4   Regulation Act regulating the practice of engineering do not apply  
5   to the following activities:

6                   (1)    The construction, remodeling, alteration, or  
7   renovation of ~~(a)~~ a detached single-family through four-family  
8   dwelling of less than five thousand square feet above grade  
9   finished space. Any detached or attached sheds, storage buildings,  
10 and garages incidental to the dwelling are not included in the  
11 tabulation of finished space. Such exemption may be increased by  
12 rule and regulation of the board adopted pursuant to the Negotiated  
13 Rulemaking Act;

14                  (2)    The construction, remodeling, alteration, or  
15 renovation of ~~or (b)~~ a one-story commercial or industrial building  
16 or structure of less than five thousand square feet above grade  
17 finished space which does not exceed thirty feet in height unless  
18 such building or structure, or the remodeling or repairing thereof,  
19 provides for the employment, housing, or assembly of twenty or more  
20 persons. Any detached or attached sheds, storage buildings, and  
21 garages incidental to the dwelling building or structure are not  
22 included in the tabulation of finished space. Such exemptions may  
23 be increased by rule and regulation of the board adopted pursuant  
24 to the Negotiated Rulemaking Act;

25                  ~~(2)~~ (3)   The construction, remodeling, alteration, or  
26 renovation of farm buildings, including barns, silos, sheds, or  
27 housing for farm equipment and machinery, livestock, poultry, or

1 storage and if the structures are designed to be occupied by no  
2 more than twenty persons. Such exemption may be increased by rule  
3 and regulation of the board adopted pursuant to the Negotiated  
4 Rulemaking Act;

5 ~~(3)~~ (4) Any public works project with contemplated  
6 expenditures for the completed project that do not exceed eighty  
7 thousand dollars. Such exemption may be increased by rule and  
8 regulation of the board adopted pursuant to the Negotiated  
9 Rulemaking Act;

10 ~~(4)~~ (5) Any alteration, renovation, or remodeling of a  
11 building if the alteration, renovation, or remodeling does not  
12 affect architectural or engineering safety features of the  
13 building;

14 ~~(5)~~ (6) The teaching, including research and service, of  
15 engineering subjects in a college or university offering an  
16 Accrediting Board for Engineering and Technology accredited  
17 engineering curriculum of four years or more;

18 ~~(6)~~ (7) The act does not prevent a public service  
19 provider or an organization who employs a design professional from  
20 performing professional services for itself;

21 ~~(7)~~ (8) The practice of any other certified trade or  
22 legally recognized profession;

23 ~~(8)~~ (9) The offer to practice engineering by a person not  
24 a resident of and having no established place of business in this  
25 state if the person is legally qualified by licensure to practice  
26 engineering in his or her own state or country. The person shall  
27 make application to the board in writing and after payment of a fee

AM2502  
LB 599  
DSH-02-06

AM2502  
LB 599  
DSH-02-06

1 established by the board may be granted a temporary permit for a  
2 definite period of time not to exceed one year to do a specific  
3 job. No right to practice engineering accrues to such applicant  
4 with respect to any other work not set forth in the permit;

5 ~~(9)~~ (10) The work of an employee or a subordinate of a  
6 person holding a certificate of licensure under the act or an  
7 employee of a person practicing lawfully under subdivision (8) of  
8 this section if the work is done under the direct supervision of a  
9 person holding a certificate of licensure or a person practicing  
10 lawfully under such subdivision;

11 ~~(10)~~ (11) Those services ordinarily performed by  
12 subordinates under direct supervision of a professional engineer or  
13 those commonly designated as locomotive, stationary, marine  
14 operating engineers, power plant operating engineers, or  
15 manufacturers who supervise the operation of or operate machinery  
16 or equipment or who supervise construction within their own plant;

17 ~~(11)~~ (12) Financial institutions making disbursements of  
18 funds in connection with construction projects;

19 ~~(12)~~ (13) Earthmoving and related work associated with  
20 soil and water conservation practices performed on farmland or any  
21 land owned by a political subdivision that is not subject to a  
22 permit from the Department of Natural Resources or for work related  
23 to livestock waste facilities that are not subject to a permit by  
24 the Department of Environmental Quality;

25 ~~(13)~~ (14) The work of employees and agents of a political  
26 subdivision or a nonprofit entity organized for the purpose of  
27 furnishing electrical service performing, in accordance with other



AM2502  
LB 599  
DSH-02-06

AM2502  
LB 599  
DSH-02-06

1 requirements of law, their customary duties in the administration  
2 and enforcement of codes, permit programs, and land-use regulations  
3 and their customary duties in utility and public works  
4 construction, operation, and maintenance;

5 ~~(14)~~ (15) Work performed exclusively in the exploration  
6 for and development of energy resources and base, precious, and  
7 nonprecious minerals, including sand, gravel, and aggregate, which  
8 does not have a substantial impact upon public health, safety, and  
9 welfare, as determined by the board, or require the submission of  
10 reports or documents to public agencies;

11 ~~(15)~~ (16) The construction of water wells as defined in  
12 section 46-1212, the installation of pumps and pumping equipment  
13 into water wells, and the decommissioning of water wells, unless  
14 such construction, installation, or decommissioning is required by  
15 the owner thereof to be designed or supervised by an engineer or  
16 unless legal requirements are imposed upon the owner of a water  
17 well as a part of a public water supply;

18 ~~(16)~~ (17) Work performed in the exploration, development,  
19 and production of oil and gas or before the Nebraska Oil and Gas  
20 Conservation Commission; and

21 ~~(17)~~ (18) Siting, layout, construction, and  
22 reconstruction of a private onsite wastewater treatment system with  
23 a maximum flow from the facility of one thousand gallons of  
24 domestic wastewater per day if such system meets all of the  
25 conditions required pursuant to the Private Onsite Wastewater  
26 Treatment System Contractors Certification and System Registration  
27 Act unless the siting, layout, construction, or reconstruction by

AM2502  
LB 599  
DSH-02-06

AM2502  
LB 599  
DSH-02-06

1 an engineer is required by the Department of Environmental Quality,  
2 mandated by law or rules and regulations imposed upon the owner of  
3 the system, or required by the owner.

4 Sec. 5. Section 81-3451, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-3451. (1) To be eligible for admission to examination  
7 to be a professional engineer or engineer-intern, an applicant must  
8 be of good moral character and reputation and shall submit five  
9 references with his or her application for licensure as a  
10 professional engineer or enrollment as an engineer-intern. Three  
11 of the references shall be professional engineers having personal  
12 knowledge of the applicant's engineering experience or, in the case  
13 of an application for enrollment as an engineer-intern, character  
14 references.

15 (2) (a) A person holding a certificate of licensure to  
16 engage in the practice of engineering, issued by the proper  
17 authority of a state or possession of the United States, the  
18 District of Columbia, or any foreign country, based on requirements  
19 that do not conflict with the Engineers and Architects Regulation  
20 Act and were of a standard not lower than that specified in the  
21 applicable licensure law in effect in this state at the time such  
22 certificate was issued may, upon application, be licensed as a  
23 professional engineer without further examination.

24 (b) A person holding an active Council Record with the  
25 National Council of Examiners for Engineering and Surveying whose  
26 qualifications as evidenced by the Council Record meet the  
27 requirements of the act may, upon application, be licensed as a

1 professional engineer without further examination.

2 (c) A graduate of an Accrediting Board for Engineering  
3 and Technology accredited engineering curriculum, enrolled as an  
4 engineer-intern, and having a specific record of an additional four  
5 years or more of progressive post-baccalaureate degree experience  
6 on engineering projects of a grade and a character which indicates  
7 to the Board of Engineers and Architects that the applicant may be  
8 competent to practice engineering shall be admitted to an  
9 eight-hour examination, administered by the board, on the  
10 principles and practice of engineering. Upon passing the  
11 examination, the applicant shall be granted a certificate of  
12 licensure to practice engineering in this state if the applicant is  
13 otherwise qualified. Engineering teaching of advanced subjects and  
14 the design of engineering research and projects in a college or  
15 university offering an Accrediting Board for Engineering and  
16 Technology accredited engineering curriculum of four years or more  
17 may be considered as engineering experience. An applicant who does  
18 not hold an Accrediting Board for Engineering and Technology  
19 accredited engineering degree but who is enrolled as an  
20 engineer-intern in this state and has a specific record of an  
21 additional six years or more of progressive experience on  
22 engineering projects of a grade and a character which indicates to  
23 the Board of Engineers and Architects that the applicant may be  
24 competent to practice engineering shall be admitted to an  
25 eight-hour examination, administered by the board, in the  
26 principles and practice of engineering. Upon passing the  
27 examination, the applicant shall be granted a certificate of

AM2502  
LB 599  
DSH-02-06

AM2502  
LB 599  
DSH-02-06

1 licensure to practice engineering in this state if otherwise  
2 qualified.

3 (3)(a) A graduate of or senior in an Accrediting Board  
4 for Engineering and Technology accredited engineering curriculum,  
5 or the substantial equivalent as determined by the board, shall be  
6 admitted to an eight-hour examination on the fundamentals of  
7 engineering. Upon passing the examination and verification of  
8 graduation, the applicant shall be enrolled as an engineer-intern.

9 (b) An applicant who does not hold an Accrediting Board  
10 for Engineering and Technology accredited engineering degree may be  
11 admitted to the fundamentals of engineering examination if he or  
12 she has six years of engineering work experience or  
13 engineering-related education. Upon passing the examination, the  
14 applicant shall be enrolled as an engineer-intern. This  
15 subdivision terminates on January 1, 2005.

16 Sec. 6. Original sections 81-3445 and 81-3451, Reissue  
17 Revised Statutes of Nebraska, sections 2-3256 and 81-3449, Revised  
18 Statutes Supplement, 2002, and section 81-3453, Revised Statutes  
19 Supplement, 2003, are repealed.

20 Sec. 7. The following section is outright repealed:  
21 Section 81-3447, Reissue Revised Statutes of Nebraska.

22 Sec. 8. Since an emergency exists, this act takes effect  
23 when passed and approved according to law."